

1 Robert C. Weems (CA SBN 148156)
2 WEEMS LAW OFFICES
3 526 3rd St., Ste. A-2
4 San Rafael, CA 94901
5 Ph: 415.881.7653
6 Fx: 866.610.1430
7 *rcweems@weemslawoffices.com*
8 Attorney for Plaintiff,
9 MICHAEL ALAN SKAGGS

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL ALAN SKAGGS,

Plaintiff,

v.

ANDREW M. SAUL,
Commissioner of Social Security,

Defendant.

Case 2:20-cv-000343-CKD

STIPULATION AND ORDER RE
ATTORNEY FEES AND EXPENSES
PURSUANT TO THE EQUAL ACCESS TO
JUSTICE ACT, 28 U.S.C. § 2412(d), AND
COSTS PURSUANT TO 28 U.S.C. § 1920
FILED BY MICHAEL ALAN SKAGGS

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount of THREE THOUSAND FOUR HUNDRED FIFTY THREE DOLLARS AND TWELVE CENTS (\$3,453.12) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920, 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to his counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine whether they are subject to any offset.

1 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that
2 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses
3 and costs to be made directly to Plaintiff's counsel, pursuant to the assignment executed by Plaintiff.
4 Any payments made shall be delivered to Plaintiff's counsel.

5 This stipulation constitutes a compromise settlement of Plaintiff's claim for EAJA attorney
6 fees and does not constitute an admission of liability on the part of Defendant under the EAJA or
7 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any
8 and all claims that Plaintiff and/or counsel including counsel's firm may have relating to EAJA
9 attorney fees in connection with this action.

10 This award is without prejudice to the rights of counsel and/or counsel's firm to seek Social
11 Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the
12 EAJA.

13 SO STIPULATED, February 22, 2021

14 WEEMS LAW OFFICES

McGREGOR W. SCOTT,
U.S. Attorney
DEBORAH LEE STACHEL,
Regional Chief Counsel,
Region IX, Soc. Sec. Admin.
MARCELO ILLARMO,
Sp. Asst. U.S. Attorney

19 /s/Robert C. Weems
20 Robert C. Weems,
Attorney for Plaintiff

By: /s/ Marcelo Illarmo
MARCELO ILLARMO,
Sp. Asst. U.S. Attorney,
Attorney for Defendant
(per email authorization)

22 SO ORDERED.

24 Dated: February 24, 2021

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CAROLYN K. DELANEY
26 UNITED STATES MAGISTRATE JUDGE
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